

REMARKS

This Response is submitted in reply to the non-final Office Action mailed on February 19, 2008. No fee is due in connection with this Response. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-590 on the account statement.

IDS

The Office Action states that certain documents presented in the IDS filed on September 14, 2005 have not been considered for failing to provide an English translation. Applicants submit that the only documents that are not marked as considered in the Office Action are JP2002-342165, JP2002-351850, JP2002-358289 and JP2002-366534. Applicants respectfully submit that copies of English language abstracts for the foreign references are submitted herewith in a supplemental IDS, and thus the references should be entered for examination purposes.

Specification

The Office Action objects to the specification for a spelling error on page 27 line 8. As noted above, the Specification has been amended to overcome such objection.

For at least the foregoing reasons, Applicants respectfully request that the objection be withdrawn.

35 USC §112 Rejections

Claims 23-25 and 29-31 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, the Office Action objects to the means-plus-function limitations, and more specifically the “means for collection,” “means for comparing,” and “means for transmitting.”

Applicants respectfully disagree and traverse such rejections.

As to the “means for collecting,” for an example of the structure that performs the function see the published patent application in paragraphs 134-135, stating in part, “the main processor 21 executes the capability exchange program,” and “the capability exchange program acquires the apparatus data.” A person having ordinary skill in the art would recognize that the processor is a structure that can perform the function.

As to the “means for comparing,” for an example of the structure that performs the function see the published patent application in paragraphs 154, stating in part, “[t]he main processor 21-1 included in the information processing controller 11 in the master apparatus 1 respectively compares the above-mentioned apparatus data on each information processing apparatus.” A person having ordinary skill in the art would recognize that the processor is a structure that can perform the function.

As to the “means for transmitting,” see the published patent application in paragraphs 113-115, for an example of the structure that performs the function, stating in part, “Each information processing controller is provided with the same control program, **which is executed by the main processor 21,**” and “The device driver is for input and output (transmission and reception).” (emphasis added). A person having ordinary skill in the art would recognize that the processor is a structure that can perform the function.

For at least the foregoing reasons, Applicants respectfully submit that Claims 23-25 and 29-31 are in condition for allowance.

35 USC §101 Rejections

The Office Action rejects Claims 23 and 29 under 35 USC §101 for being directed to non-statutory subject matter. In particular, the Office Action states that no “means” do not constitute physical parts of the apparatus. Applicants respectfully disagree and traverse such rejections.

As noted above, the specification provides structures for performing the related functions, therefore the claims contain the necessary structural elements. As such Applicants respectfully submit that Claims 23 and 29 are in condition for allowance.

35 USC §103 Rejections

The Office Action rejects Claims 23-31 under 35 USC §103(a) as being unpatentable over *Masuoka* (U.S. Patent No. 6,081,826) in view of *Suzuoki* (U.S. Patent No. 7,233,998). Applicants respectfully submit that Claims 23, 26 and 29 have been amended to traverse such rejections.

Claim 23 now reads, in part, “capability exchange means for collecting information regarding resources and operating statuses of the other information processing apparatuses and creating an apparatus information table by transmitting software cells to all the other information

processing apparatuses on the network, wherein the apparatus information table includes apparatus data associated with all the other information processing apparatuses when the information processing apparatus is in a master status and wherein the apparatus information table includes identifications associated with all the other information processing apparatuses and the master/slave statuses associated with all the other information processing apparatuses on the network when the information processing apparatus is in a slave status.” Claims 26 and 29 contain similar language.

For example, see the published patent application in paragraphs [0137] to [0140] providing an example of information stored when the information processing apparatus is in a master state and providing another example of information stored when the information processing apparatus is in a slave state.

The cited art fails to disclose or suggest the information stored when the information processing apparatus is in a master state and the information stored when the information processing apparatus is in a slave state.

For at least the foregoing reasons, Applicants respectfully submit that Claims 23, 26 and 29, and the Claims that depend therefrom, are patentably distinguishable and in condition for allowance.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Thomas C. Basso
Reg. No. 46,541
Customer No. 29175

Dated: May 15, 2008